

Application Serial No. 09/323,512

REMARKS

1. Applicant thanks the Examiner for the Examiner's comments which have greatly assisted Applicant in responding, especially in Response to Arguments.

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2. Applicant notes that there was no Examiner's Response to Arguments.

3. **35 U.S.C. §103(a).**

10 (a) The Examiner has rejected Claims 1, 3, 4, 30, and 32 under 35 U.S.C. §103(a) as being unpatentable over Take (U.S. Patent No. 6,442,553) in view Fecteau (U.S. Patent No. 5,594,881) and further in view of Nemes (U.S. Patent No. 5,893,120).

Applicant respectfully traverses.

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Applicant incorporates herein the arguments from the previous response dated March 4, 2005.

Claims 1 and 30

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First, Applicant notes that in the previous substantive Response dated March 4, 2005, Applicant amended Claim 1 and put forth an accompanying argument and showed evidence to support Applicant's position that Take did not teach such limitation.

25 In the present Office Action, the Examiner has rejected Claim 1 and for that same limitation, although amended, and the Examiner simply relied on the same section to Take and with no explanation provided.

However, the MPEP clearly instructs the Examiner in 707.07(f) Answer All Material

30 Traversed [R-3] as follows (emphasis added):

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In order to provide a complete application file history and to enhance the clarity of the prosecution history record, an examiner must provide clear explanations of all actions taken by the examiner during prosecution of an application.

5 Where the requirements are traversed, or suspension thereof requested, the examiner should make proper reference thereto in his or her action on the amendment.

10 **Where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it**

In the present Office Action, the Examiner simply rejected the same, although amended, limitation relying on the same section and without explanation. Hence, the Examiner
15 failed to answer the substance of Applicant's argument to that limitation.

Therefore, the present Office Action is not complete nor effective. Applicant cannot respond because Applicants argument and amendment have not been answered to the substance of it.

20 As such, Applicant is of the opinion that, simply put, the application is allowable because it meets the conditions for allowance set forth by the applicable Patent Laws, Patent Office Rules, and controlling Case Law.

25 Applicant is of the opinion that this is a complete response.

Therefore, in view of the above, Applicant is of the opinion that Claim 1 and hence its dependent Claims are in condition for allowance. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection under 35 USC §103(a).

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(b) The Examiner has rejected Claims 5-7 under 35 U.S.C. §103(a) as being unpatentable over Take (U.S. Patent No. 6,442,553) and Nemes (U.S. Patent No. 5,893,120) in view of Nguyen (U.S. Patent No. 5,809,494).

5 Claims 5-7 are dependent upon an independent claim deemed in allowable condition. Accordingly, Claims 5-7 are deemed to be in allowable condition. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

10 (c) The Examiner has rejected Claims 8, 10, 11, and 33-35 under 35 U.S.C. §103(a) as being unpatentable over Take (U.S. Patent No. 6,442,553) in view of Fecteau (U.S. Patent No. 5,594,881), and in view of Nguyen (U.S. Patent No. 5,809,494) and further in view of Nemes (U.S. Patent No. 5,893,120).

15 In view of discussion hereinabove, Applicant is of the opinion that Claim 8 and its dependent claims are deemed in allowable condition. Claim 33-35 are dependent on independent Claim 30 deemed to be in allowable condition as discussed hereinabove. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

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(d) The Examiner has rejected Claims 12 and 14-29 under 35 U.S.C. §103(a) as being unpatentable over Nguyen (U.S. Patent No. 5,809,494) and Take (U.S. Patent No. 6,442,553) in view of Nemes (U.S. Patent No. 5,893,120) and further in view of Fecteau (U.S. Patent No. 5,594,881).

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In view of the discussion hereinabove, Applicant is of the opinion that Claims 12 and 20 and the respective dependent claims are deemed in allowable condition. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

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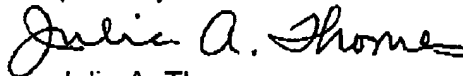
5. It should be appreciated that Applicant has elected to amend Claims solely for the purpose of expediting the patent application process in a manner consistent with the PTO's Patent Business Goals, 65 Fed. Reg. 54603 (9/8/00). In making such amendment and cancellations, Applicant has not and does not in any way narrow the scope of protection to which Applicant considers the invention herein to be entitled. Rather, Applicant reserves Applicant's right to pursue such protection at a later point in time and merely seeks to pursue protection for the subject matter presented in this submission.

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CONCLUSION

Based on the foregoing, Applicant considers the present invention to be distinguished from the art of record. Accordingly, Applicant earnestly solicits the Examiner's withdrawal of the rejections raised in the above referenced Office Action, such that a Notice of Allowance is forwarded to Applicant, and the present application is therefore allowed to issue as a United States patent. The Examiner is invited to call to discuss the response.

Respectfully Submitted,



Julia A. Thomas

Reg. No. 52,283

Customer No. 22862